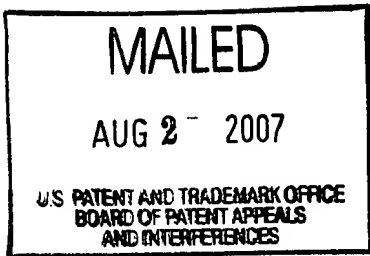


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte ROBERT SKVORECZ

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Appeal No. 2006-1989  
Application 09/772,278

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ORDER DENYING ORAL HEARING

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On May 21, 2007, appellant filed a Request for Rehearing. Page 2 contained a Request for Oral Rehearing. This request is denied. 37 CFR § 41.47 (2006) sets forth the requirements for the request for an oral hearing and is reproduced below.

§ 41.47 Oral hearing.

(a) An oral hearing should be requested only in those circumstances in which appellant considers such a hearing necessary or desirable for a proper presentation of the appeal. An appeal decided on the briefs without an oral hearing will receive the same consideration by the Board as appeals decided after an oral hearing.

(b) If appellant desires an oral hearing, appellant must file, as a separate paper captioned AREQUEST FOR ORAL HEARING, a written request for such hearing accompanied by the fee set forth in ' 41.20(b)(3) within two months from the date of the examiner=s answer or supplemental examiner=s answer.

(c) If no request and fee for oral hearing have been timely filed by appellant as required by paragraph (b) of this section, the appeal will be assigned for consideration and decision on the briefs without an oral hearing.

(d) If appellant has complied with all the requirements of paragraph (b) of this section, a date for the oral hearing will be set, and due notice thereof given to appellant. If an oral hearing is held, an oral argument may be presented by, or on behalf of, the primary examiner if considered desirable by either the primary examiner or the Board. A hearing will be held as stated in the notice, and oral argument will ordinarily be limited to twenty minutes for appellant and fifteen minutes for the primary examiner unless otherwise ordered.

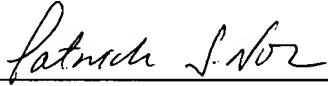
In the instant application, appellant requested the oral hearing more than 17 months after the expiration of the two month period from the date of the examiner's answer. Since the appellant did not comply with 37 CFR § 41.47(b), the request for oral hearing is considered untimely, and thus is denied. It should be noted that the Oral Hearing fee was not charged.

Appeal No. 2006-1989  
Application 09/772,278

Accordingly, it is

ORDERED that the Request for Rehearing will be decided based  
upon the written record before the Board of Patent Appeals and  
Interferences.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
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PJN:psb

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